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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE 23ANDME, INC. CUSTOMER DATA
SECURITY BREACH LITIGATION

CASE NO. 3:24-md-03098-EMC

**JOINT STATUS UPDATE IN RESPONSE TO
ORDER (ECF NO. 170)**

1 On December 4, 2024, the Court issued an order (ECF No. 160) conditionally granting the Motion
2 for Preliminary Approval (ECF No. 103) and ordering 1) the Settling Parties to report back on whether
3 modifications have been made consistent with the Court's December 4, 2024 Order; and 2) the Settling
4 Parties and Arbitrating Objectors to report back on the language of a notice to be issued to individuals
5 seeking arbitration who have been excluded from the class definition, within two weeks.

6 On December 18, 2024, the Settling Parties requested the Court allow 23andMe until
7 January 17, 2025, to consider and advise the Court whether it can proceed with the modified settlement
8 terms. ECF No. 161. The Court granted the request on December 20, 2024. ECF No. 162.

9 On January 15, 2025, the Settling Parties advised the Court that they were scheduled to attend a
10 mediation with attorneys representing the Arbitrating Objectors and the attorneys representing the State
11 Court Objectors with Randall Wulff on January 22, 2025. The Settling Parties requested the Court allow
12 the Settling Parties to report back to the Court two weeks after the January 22, 2025 Mediation, by
13 February 5, 2025, regarding the status of settlement negotiations and to advise the Court whether the
14 Settling Parties can proceed with the modified settlement terms, or, in the event 23andMe elects not to
15 proceed with the modified settlement, to propose a deadline for 23andMe's response to the Consolidated
16 Amended Complaint. ECF No. 163. The Court granted the request on January 15, 2025. ECF No. 164.

17 Since attending the mediation on January 22, 2025, 23andMe has been in communication with the
18 attorneys representing the Arbitrating Objectors and the attorneys representing the State Court Objectors
19 regarding resolution of their claims. On February 5, 2025, 23andMe requested an additional 9 days—to
20 February 14, 2025—to report to the Court regarding the status of settlement negotiations and to advise the
21 Court whether 23andMe can proceed with the modified settlement terms. The Court granted the request on
22 February 6, 2025. ECF No. 166. On February 14, 2025, 23andMe requested an additional 14 days, until
23 February 28, 2025, to advise the Court whether 23andMe can proceed with the modified settlement terms.
24 The Court granted the request on the same day, February 14, 2025, and ordered that if 23andMe does not
25 accept the modified settlement terms, then the parties shall immediately meet and confer regarding a
26 briefing schedule and hearing date for a motion to dismiss. ECF No. 168. On February 28, 2025, 23andMe
27 requested an additional 14 days, until March 12, 2025, to advise the Court whether 23andMe can proceed
28

with the modified settlement terms. On March 3, 2025, the Court granted the request and ordered that if 23andMe does not accept the modified settlement terms, then the parties shall immediately meet and confer regarding a briefing schedule and hearing date for a motion to dismiss. ECF No. 170.

The Settling Parties intend to go forward with the Settlement as informed by the Court on December 4, 2024. The parties are evaluating the appropriate notice modifications (ECF No. 160) and will provide the Court these documents for consideration on or before March 28, 2025.

Dated: March 12, 2025

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